

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REALTIME DATA, LLC d/b/a IXO)	
)	
Plaintiff,)	Case No. 1:11-cv-6696-KBF
)	1:11-cv-6701-KBF
vs.)	1:11-cv-6704-KBF
)	
MORGAN STANLEY, ET AL.,)	
)	JURY TRIAL DEMANDED
Defendants.)	
)	
)	

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY OF
THE PATENTS-IN-SUIT FOR FAILURE TO SATISFY THE DEFINITENESS AND
WRITTEN DESCRIPTION REQUIREMENTS OF 35 U.S.C. § 112**

PLEASE TAKE NOTICE that Defendants BNY ConvergEx Group LLC, BNY ConvergEx Execution Solutions LLC, Credit Suisse Holdings (USA), Inc., Credit Suisse Securities (USA) LLC, The Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., HSBC Bank USA, N.A., HSBC Securities (USA), Inc., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., Morgan Stanley, and Morgan Stanley & Co, Incorporated (collectively, the “Bank Defendants”) hereby move this Court on April 4, 2012, to grant partial summary judgment for invalidity of the patents-in-suit for failure to satisfy the definiteness and written description requirements of 35 U.S.C. § 112 in the above-referenced cases.

This Motion is made pursuant to Federal Rule of Civil Procedure 56, 28 U.S.C. § 2072 and is based upon this Notice, the Brief in support of this motion, the 56.1 Statement of Facts,

the Declaration of Dr. James Storer, the Declaration of Nicole E. Feit, and any and all other evidence presented respecting this Motion.

Dated: April 4, 2012

Respectfully submitted,

By: /s/ Gregory H. Lantier

Gregory H. Lantier
WILMER CUTLER PICKERING HALE AND DORR
LLP
1875 Pennsylvania Ave., N.W.
Washington, DC 20006
Phone: (202) 663-6327
Fax: (202) 663-6363
Gregory.Lantier@wilmerhale.com

William F. Lee
Mark G. Matuschak
WILMER CUTLER PICKERING HALE AND DORR
LLP
60 State Street
Boston, MA 02109
Phone: (617) 526-5000
Fax: (617) 526-6000
William.Lee@wilmerhale.com
Mark.Matushak@wilmerhale.com

*Attorneys for Credit Suisse Holdings (USA),
Inc. and Credit Suisse Securities (USA), LLC*

/s/ Daniel A. DeVito (with permission)

Daniel A. DeVito
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
Tel: (212) 735-3000
Fax: (917) 777-3210
Daniel.DeVito@skadden.com

Matthew D. Buchanan
Gareth DeWalt
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
525 University Avenue, Suite 1100
Palo Alto, CA 94301

Phone: 650-470-4500
Fax: 650-470-4570
matthew.buchanan@skadden.com
gareth.dewalt@skadden.com

*Attorneys for Defendants Morgan Stanley,
Morgan Stanley & Co. Incorporated, J.P.
Morgan Chase & Co., J.P. Morgan
Securities, Inc., J.P. Morgan Clearing Corp.,
The Goldman Sachs Group, Inc., Goldman,
Sachs & Co., and Goldman Sachs Execution
& Clearing, L.P.*

By: /s/ Gregory T. Casamento (with
permission)

Edwin R. DeYoung
Roger Brian Cowie
Roy W. Hardin
M. Scott Fuller
Galyn Gafford
LOCKE LORD LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
Telephone: (214) 740-8000
Facsimile: (214) 740-8800

Gregory T. Casamento
LOCKE LORD LLP
Three World Financial Center
New York, New York 10281-2101
Phone: (212) 415-8600
Fax: (212) 303-2754

*Attorneys for Defendants HSBC Bank USA,
N.A.
and HSBC Securities (USA), Inc.*

By: /s/ Steven Cherny (with permission)
Steven Cherny
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
Phone: 212-446-4965
Fax: 212-446-4900
steven.cherny@kirkland.com

Amanda Hollis
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Phone: 312-862-2011
Fax: 312-862-2200
amanda.hollis@kirkland.com

*Attorneys for Defendants BNY ConvergEx
Group, LLC and BNY ConvergEx Execution
Solutions, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2012 a true and correct copy of the foregoing document was served electronically on all counsel of record.

/s/ Gregory H. Lantier

Gregory H. Lantier